

Court swallows claim about needle in nosh

Justice at last for diner who ingested 'foreign object' in hamburger

By PHILAN NOMBEMBE

It has been a four-year wait for justice for a restaurant patron who swallowed a needle while eating a hamburger with her husband at their favourite restaurant in Stellenbosch.

Maxine Williams has been embroiled in a legal dispute at the Cape Town high court after a night out at the Beyerskloof Wine Bar in 2020 turned into a humiliating emergency.

"It has taken four years to finalise the merits, considering what Mrs Williams has been through. Recalling everything under oath and testifying [have] been like a sword hanging over her head," said her lawyer, Menko Hoeksema.

Williams told the court that halfway through the meal she "experienced a sensation of discomfort, as though something were lodged in her throat".

She rushed to the bathroom and "started to cough and [was] in a state of panic". She "attempted to insert her finger into her throat to dislodge the object quicker", reads the judgment handed down this week.

She started crying after noticing blood in the basin. It was early October 2020, during one of the later Covid-19 lockdowns, and other patrons looked at her "in a strange manner".

Williams was rushed to the emergency room at Stellenbosch Mediclinic by her husband, and an X-ray revealed a needle-like object was stuck in her throat.

The restaurant, which has subsequently closed, denied responsibility, and she sued it for damages.



One of the X-rays taken to help doctors find the needle lodged in Maxine Williams' throat. Picture: Supplied

Williams told the court that an "ENT specialist attempted to remove or extract this object manually but could not succeed" when she was admitted to the emergency room.

"She could not be operated on that evening, as she had eaten food and drunk wine. However, she was kept in hospital overnight for monitoring. [She] underwent an operation [seven hours later], which was unsuccessful," the judgment reads.

"To monitor the location of the foreign object, [she] was hospitalised, and X-rays were performed twice daily, morning and evening, to track the location of the foreign object."

Williams was kept in hospital for five days. "[She] testified about the extent of [the] pain, discomfort, anxiety and panic she experienced during this incident. It was exacerbated in her psyche when she realised



SWIM BOMB SQUAD

Leon Kearney, Nusayr Mohamed Sha, Zuhayr Mohamed Sha and Reichlin Naidoo play rugby after competing in the World Ocean Swim at Durban Beach Club, held in celebration of World Oceans Day. The annual event serves as fundraiser for Breathe Conservation, which uses it for environmental education programmes. Picture: Sandile Ndlovu

[the needle] had not been successfully removed," the judgment reads.

"She recounted her humiliation and embarrassment when she wet herself, [as well as her fear when she recalled a family friend who passed away after swallowing a fish bone that punctured his intestines. In reality, she was apprehensive about the possibility of experiencing a [similar fate]."

She had said "there [was] absolutely no possibility a foreign object came from her clothing, as she did not wear hair clips or pins, and so on. She also maintained the object did not originate from her husband. The only way [it] could have entered her body was through the food served at the restaurant," the judgment reads.

Her husband corroborated her story. However, the restaurant said it "purchased

its raw products for preparation of the food from reputable sources that provide raw food products free from any potentially harmful objects that can cause damages".

Restaurant co-founder Jacques van Straaten said it had never before experienced such an incident. He was responsible for the procurement of the ingredients for the food sold at the establishment.

"The patties were normally delivered to the restaurant, but on some occasions he would collect the order from the butchery. On the night in question, there were no signs [Williams] would swallow a needle-like foreign object [in] her food," the judgment's summary reads.

Judge Babalwa Mantame ruled in Williams' favour, saying the claim "on the merits succeeds".

"The [restaurant] is liable for such damages as the plaintiff may prove in due course to have suffered arising from the needle-like foreign object that was contained in the food that was served."

Hoeksema said litigation was instituted in 2021, and the matter was still pending.

"I am awaiting a response from the defendant's attorneys regarding their instructions on whether they intend to proceed with an appeal or settle the matter."

Van Straaten said the judgment had been noted, but "we are in discussions with our insurance company's lawyers, who have advised us [to] apply for leave to appeal".

"The legal process will therefore continue and, because the matter is the subject of ongoing litigation, we have no comments at this stage. I trust you will understand."



CCMA RULING VINDICATING CETA AND THE RELATED OUTA INTERVIEW WITH ALLEGED WHISTLEBLOWER

Makana Consulting

The Construction Education and Training Authority (CETA) welcomed a ruling by the Commission for Conciliation Mediation and Arbitration (CCMA) as handed on 27 May 2025, which allows it to proceed with a disciplinary hearing against a senior employee who sought to halt disciplinary proceedings on the basis that some of the charges emanate from an alleged disclosure made under the "Protected Disclosure Act of 2000".

The Commissioner's ruling brings to light that the employee attempted to evade and delay facing disciplinary proceedings for almost two years by disguising themselves as a whistleblower when these disclosures have been found in this CCMA ruling (CCMA Case number: GATW) to have not been made sincerely, honestly and in good faith. As has been communicated by the CETA on various accountability platforms, the ruling also finds the timing of these disclosures (after they were already reported on in a forensic investigation) means they cannot be considered to be protected disclosures. **We again draw our stakeholders attention to the date of the release of the CCMA ruling, being the 27 May 2025.**

We noted with contempt the OUTA Interview conducted by Wayne Duvenhage with the said suspended employee on **OUTA's YouTube channel on 4 June 2025** with the title "OUTA Interview with Whistleblower on Corruption

at CETA". We expect a high duty of care from OUTA which proudly asserts itself as a civil action organisation that focuses on exposing government corruption and abuse of taxes and public funds. As an organisation that proudly states that it uses "clear and effective methodologies and project management processes, through multi-disciplined high performance teams" to do work that places them as a trusted vehicle for advocacy, we are deeply disappointed by the lack of due care in dealing with this matter. An unbiased and inquisitorial interview would have revealed that the interviewee does in fact have a case to answer, especially when she states that two forensic investigations have noted wrong doing on her part.

As a public entity and employer, we have a duty of care when dealing with employee related matters. It is this duty of care that limits the CETA ability to address and field questions on this matter, as the disciplinary process continues. The CCMA ruling is publicly available for OUTA and our stakeholders to read and understand that the CETA is vindicated in its instituting of disciplinary proceedings against this and other employees for the same abuse of taxes that OUTA hopes to fight. Should OUTA have exercised due care, conducted appropriate research, and contacted the CETA for comment before conducting their interview, they would have been aware of this CCMA ruling that completely dispels the narrative

driven by both them and the suspended employee in their YouTube interview.

We look forward to engaging with OUTA to ensure they behave in a way that builds trust in the work that they do and also in their goal of holding government entities to account.

At the same time, CETA puts it on record that it distances itself from the names of other individuals mentioned in that interview and those are the views of the two individuals concerned engaging in such an interview.

The CETA also wish to affirm its commitment to clean administration and governance; and to assure that the procurement processes of the CETA are thoroughly vetted through probity audits and to this far none of them had any non-compliance findings.

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